

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CROWN CELL INC,  
Plaintiff,

v.

ECOVACS ROBOTICS, INC.,  
Defendant.

Case No. [21-cv-07890-SI](#)

**ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION**

Re: Dkt. Nos. 54, 55

Plaintiff seeks leave to file a motion for reconsideration of this Court's order granting in part and denying in part defendant's motion to dismiss the second amended complaint. Dkt. No. 54. In conjunction thereto, plaintiff seeks an extension of time to file its third amended complaint. (TAC). Dkt. No. 55. Both motions are denied.

Under Civil Local Rule 7-9(a), a motion for reconsideration may be granted before entry of judgment adjudicating all of the claims and rights and liabilities of all the parties in a case. Civ. L.R. 7-9(a). A motion for reconsideration may be made on three grounds: (1) a material difference in fact or law exists from that which was presented to the court, which, in the exercise of reasonable diligence, the moving party did not know at the time of the order for which reconsideration is sought; (2) the emergence of new material facts or a change of law; or (3) a manifest failure by the court to consider material facts or dispositive legal arguments. Civ. L.R. 7-9(b). Motions for reconsideration are disfavored and "should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." *McDowell v. Calderon*, 197 F.3d 1253, 1254 (9th Cir. 1999) (per curiam) (internal quotation and citation omitted). Furthermore, "[a] motion for reconsideration 'may not be used to raise arguments or present evidence for the first time when they

1 could reasonably have been raised earlier in the litigation.”” *Marlyn Nutraceuticals, Inc. v. Mucos*  
2 *Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (quoting *Kona Enters., Inc. v. Estate of*  
3 *Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)). Further, the moving party may not reargue any written  
4 or oral argument previously asserted to the court. Civ. L.R. 7-9(c).

5 Here, the Court finds plaintiff’s motion consists entirely of arguments it previously raised or  
6 arguments that could have been raised earlier. Accordingly, Plaintiff’s motion for leave to file a  
7 motion for reconsideration is DENIED. The request for extension of time to file the Third amended  
8 Complaint is moot, as the TAC has been filed.

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10 **IT IS SO ORDERED.**

11 Dated: October 18, 2022



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13 SUSAN ILLSTON  
14 United States District Judge  
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